SANJIV

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2689 OF 2006

. . . . . .

Office notes, office Memoranda :
of Coram, appearances, Courts; :
orders or directions & :
Registrars's orders. :

. . . . . .

Mr. Chaturvedi & Chaturvedi for petitioners.

Mr. S.S. Pandey i/by A. B. G. & Associates for respondent 1.

Ms. M. M. Deshmukh, APP for the State.

CORAM :- SMT. RANJANA DESAI, J.

DATE :- 18TH DECEMBER, 2006.

P. C.:-

1. Heard the learned counsel for petitioners. Petitioners have

prayed that process issued against them under the provisions of Sections 138 and 141 of the Negotiable Instruments Act be quashed. Revision application filed by the petitioners was dismissed by the Sessions Court on 04/12/2006 on the ground that it was barred by limitation. Since grievance made by the petitioner's counsel is that the merits of the matter have not been considered, I have carefully perused the complaint. In my opinion, this is not a case where it can be said that even if the allegations made in the complaint are taken at their face value no offence is disclosed. The learned counsel for petitioners contended that the complaint is time

barred. In my opinion to examine this contention also evidence will have to be adduced. The petitioners can always raise this contention at the appropriate time and if such contention is raised and it is found that there is delay, the court will consider whether the delay deserves to be condoned under the proviso to Section 142(b) of the Negotiable Instruments Act or not. There is no merits in this writ petition, the writ petition is dismissed.

(**SMT. RANJANA DESAI, J.**)